

House File 2036 - Introduced

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BY BAUDLER

A BILL FOR

1 An Act requiring drug testing of certain applicants for the
2 family investment program.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 239B.2C Applicant drug testing.

2 1. If an applicant has been convicted of an offense
3 involving the manufacture, delivery, or possession of a
4 controlled substance, or possession with the intent to
5 manufacture or deliver, or any other offense involving a
6 controlled substance under federal law or under chapter 124,
7 124A, 124B, or 453B, during the two-year period preceding the
8 date of application, the applicant shall be subject to drug
9 testing in accordance with this section as a condition of
10 eligibility for assistance.

11 2. The department shall design and implement a drug testing
12 program for applicants who are subject to drug testing under
13 this section. To the extent authorized under applicable
14 federal requirements, the program shall include but is not
15 limited to all of the following elements:

16 a. A blood or urine drug test is performed prior to the
17 applicant's initial receipt of public assistance.

18 b. The results of the blood or urine drug test shall not be
19 admissible in any criminal proceeding without the consent of
20 the person subject to the test.

21 c. An applicant who has a confirmed positive drug test
22 result is ineligible for assistance and shall be prohibited
23 from reapplying for assistance until one year after the date
24 of the confirmed positive drug test result. An applicant who
25 reapplies after having a confirmed positive drug test result is
26 subject to a drug test at the time of reapplication.

27 d. Other design, operation, and standards provisions adopted
28 in rule to ensure the program is implemented in a fair and
29 economical manner.

30 3. An applicant shall be ineligible for assistance if any
31 of the following is applicable:

32 a. The applicant does not participate in the drug testing
33 program.

34 b. The applicant has a confirmed positive drug test result
35 for the presence of either of the following:

1 (1) A substance listed in schedule I under section 124.204.

2 (2) A substance listed in schedule II, III, or IV under
3 chapter 124 that was not prescribed for the applicant.

4 4. If an applicant parent is deemed ineligible for
5 assistance as a result of having a confirmed positive drug
6 test result from a drug test conducted under the drug testing
7 program, all of the following apply:

8 a. The eligibility of the applicant's dependent child for
9 assistance is not affected.

10 b. An appropriate protective payee shall be designated
11 to receive assistance on behalf of the dependent child. The
12 applicant parent may choose to designate an individual as the
13 protective payee. The individual designated by the applicant
14 parent as the protective payee must be a specified relative
15 or other immediate family member unless such family member is
16 not available or the family member declines the designation.
17 In which case another individual, approved by the department,
18 shall be designated as the protective payee. A designated
19 individual who has been convicted of a controlled substance
20 offense is subject to the drug testing program under the same
21 requirements as an applicant before being approved to be the
22 protective payee. If the designated individual has a confirmed
23 positive drug test result, the designated individual shall be
24 ineligible to be the protective payee.

25 5. The department shall adopt rules to implement this
26 section.

27 EXPLANATION

28 This bill requires certain applicants for the family
29 investment program (FIP) administered by the department of
30 human services to participate in a drug testing program. The
31 FIP program provides cash assistance and employment-related
32 services to low-income families with children under the federal
33 temporary assistance for needy families (TANF) block grant.

34 The bill utilizes the following terms that are defined in
35 Code section 239B.1:

1 "Applicant" means a person who files an application for
2 participation in FIP under Code chapter 239B.

3 "Assistance" means a FIP payment.

4 "Specified relative" means a person who is, or was at any
5 time, a relative of an applicant or participant child, by means
6 of blood relationship, marriage, or adoption, or is a spouse of
7 a relative listed in the definition.

8 The drug testing requirement applies only to an applicant
9 who has been convicted of an offense involving the manufacture,
10 delivery, or possession of a controlled substance, or
11 possession with the intent to manufacture or deliver, or any
12 other offense involving a controlled substance under federal
13 law or under Code chapter 124 (controlled substances), Code
14 chapter 124A (imitation controlled substances), Code chapter
15 124B (precursor substances), or Code chapter 453B (excise tax
16 on unlawful dealing in certain substances), during the two-year
17 period preceding the date of application. The drug testing
18 involves drug or urine testing and must be completed prior to
19 an applicant receiving assistance.

20 The results of a blood or urine drug test are not admissible
21 in any criminal proceeding without the consent of the person
22 subject to the testing. Other design, operation, and standards
23 provisions are required to be adopted in rule to ensure the
24 program is implemented in a fair and economical manner.

25 An applicant is ineligible for FIP assistance for failure
26 to participate in the drug testing program or for testing
27 positive in a blood or urine test administered under the drug
28 testing program for the presence of either of the following: a
29 substance listed in schedule I under Code section 124.204 or a
30 substance listed in schedule II, III, or IV under Code chapter
31 124 that was not prescribed for the applicant.

32 If an applicant parent is deemed ineligible for assistance
33 as a result of having a confirmed positive drug test result,
34 the dependent child remains eligible for assistance and a
35 protective payee is to be designated by the parent to receive

1 the assistance on behalf of the child. If a specified relative
2 or other immediate family member declines to be designated, the
3 department must designate the protective payee. The protective
4 payee is required to participate in the drug testing program
5 under the same circumstances before being approved to receive
6 assistance on behalf of the child. A protective payee with a
7 confirmed positive drug test result is ineligible to receive
8 assistance on behalf of the child.

9 The department is required to adopt rules to implement the
10 new requirements.